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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/522,602	03/10/2000	Akira Atsuta	P19202.P01	5787

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EXAMINER	
BAYARD, EMMANUEL	

ART UNIT	PAPER NUMBER
2631	7

DATE MAILED: 10/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/522,602	ATSUTA, AKIRA	
	Examiner	Art Unit	
	Emmanuel Bayard	2631	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 July 2003* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *13-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *13-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

ttachment(s)

☒ Notice of References Cited (PTO-892)
☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *5* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

DETAILED ACTION

1. This is in response to amendment filed on 7/31/03 in which claims 1-12 are canceled and claims 13-27 are pending. The applicant's amendments have been fully considered but they are moot based on the new ground of rejection therefore this case is made final.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 13-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okamoto et al U.S. Patent No 5,805,678 in view of Yoshida et al U.S. Patent NO 6,463,132 B1.

As per Claims 13, 16, 21, 23 and 26, Okamoto et al discloses receiving modem that is configured to perform transmission and reception of signals with a transmitting modem, the receiving modem comprising; a transmitter that is configured to transmit a facsimile control signal (see figs. 5, 55,.65 element 16 and col.9, lines 9-35 and col.15, lines 17-20); a detector that is configured to detect a response signal to the facsimile control signal transmitted from the transmitting modem (see fig.4 elements 11, 12 and col.8, lines 42-47 and col.15, line 9 and col.18, lines 2-11); a controller (see fig.4 element 9 and col.9, lines 1-3 and col.11, lines 5-20 and col.12, lines 10-20) that is configured to communicate with the transmitting modem based on the

communication procedure specified, when a CM signal is detected as the response signal, and to data communicate with the transmitting modem, when a signal used in data communication is detected as the response signal.

However Okamoto et al does teaches the transmitting modem based on the communication procedure specified in **ITU Recommendation V.8.**

Yoshida et al teaches transmitting modem based on the communication procedure specified in **ITU Recommendation V.8.** (See col.6, lines 27, 39).

It would have been obvious to one of ordinary skill in the art the implement the teaching of Yoshida et al into Okamoto as to select proper communication lines having the capability of a high sampling rate as taught by Yoshida (see col.6, lines 50-51).

As per Claims 14, 15 the modem of Okamoto does include a DIS signal (see col.59, line 48), specified in ITU Recommendation T.30 (see col.60, line 54) , and the controller (see fig.5 element 22) executes data communications with the transmitting modem based on the data communication procedure specified in ITU Recommendation V.22, when a SI signal is detected as the response signal.

As per Claim 17, the modem of Okamoto would include an AC signal specified in at least one of ITU Recommendation V.22 and V.23 as to accurately monitor the fax operation during the transmission.

As per Claim 19, the apparatus of Okamoto does teach a DIS signal (see col.59, line 48) specified in ITU Recommendation T.30 (see col.60, line 54), and the controller (see fig.5 element 22) executes communications with the transmitting modem based on the data communication procedure specified in ITU Recommendation V.22, when a SI signal is detected as the response signal.

As per Claim 20, the apparatus of Okamoto does include a DIS signal (see col.59, line 48) specified in ITU Recommendation T.30 (see col.60, line 54), and the controller (see fig.5 element 22) executes communications with the transmitting modem based on the data communication procedure specified in ITU Recommendation V.32 (see col.62, line 65), when an AA signal is detected as the response signal.

As per Claim 22 the apparatus of Okamoto would include an AC signal specified in at least one of ITU Recommendation V.22 and V.23 as to accurately monitor the fax operation during the transmission.

As per Claim 24 the apparatus of Okamoto does include a DIS signal (see col.59, line 48), specified in ITU Recommendation T.30 (see col.60, line 54) , and the controller (see fig.5 element 22) executes data communications with the transmitting modem based on the data communication procedure specified in ITU Recommendation V.22, when a SI signal is detected as the response signal.

As per Claim 25, the modem of Okamoto does include a DIS signal (see col.59, line 48) specified in ITU Recommendation T.30 (see col.60, line 54), and the controller (see fig.5 element

22) executes communications with the transmitting modem based on the data communication procedure specified in ITU Recommendation V.32 (see col.62, line 65), when an AA signal is detected as the response signal.

As per Claim 27, the method of Okamoto would include an AC signal specified in at least one of ITU Recommendation V.22 and V.23 as to accurately monitor the fax operation during the transmission.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Miwa et al U.S. patent No 6,097,505 teaches a communication apparatus..

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel Bayard whose telephone number is (703) 308-9573. The examiner can normally be reached on Monday-Thursday from 8:00 AM - 5:30 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad H. Ghayour , can be reached on (703) 306-3034. The fax phone number for this Group is (703) 872-9314..

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

Emmanuel Bayard

Primary Examiner

September 29, 2003